

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

| | | |
|----------------------------------|------------|---------------------------------------|
| APPVION, INC. RETIREMENT SAVINGS |) | |
| AND EMPLOYEE STOCK OWNERSHIP |) | |
| PLAN, BY AND THROUGH GRANT |) | |
| LYON IN HIS CAPACITY AS THE ESOP |) | |
| ADMINISTRATIVE COMMITTEE OF |) | |
| APPVION, INC., |) | |
| | Plaintiff, |) Civil Action No.: 1:18-cv-01861-WCG |
| v. |) | |
| |) | |
| DOUGLAS P. BUTH, <i>et al.</i> , |) | |
| |) | |

**Civil L.R. 7(h) EXPEDITED NON-DISPOSITIVE MOTION
FOR LEAVE TO EXCEED PAGE LIMIT [UNOPPOSED]**

Defendant Argent Trust Company (“Argent”), by and through its undersigned attorneys, pursuant to Civil L.R. 7(h), request leave of the Court to file a reply brief that is five pages in excess of the 15-page limitation imposed under Civil L.R. 7(f) (for a total of 20 pages). In support of the Motion, Argent states as follows:

1. The plaintiff filed a Complaint in this matter on November 26, 2018. *See* ECF 1.

The First Amended Complaint (“FAC”) was filed on January 8, 2019. *See* ECF 77.

2. On February 28, 2019, Argent filed its motion to dismiss with supporting memoranda. ECF 101, 102.

3. In response to Argent's motion, as well as the motions of the other defendants in this case, the plaintiff filed a Consolidated Memorandum in Support of Opposition to Defendants' Motions to Dismiss (the "Opposition Brief"). ECF 130. That Opposition Brief was 90 pages in length.

4. The claims and arguments advanced with respect to Argent are sufficient in number that Argent requires a memorandum that exceeds the 15-page limit set forth in Civil L.R. 7(f) to respond fully. The additional five pages Argent is requesting will assist the Court in ruling on the Motion to Dismiss and will cause no prejudice to any party.

5. Argent's counsel has notified Plaintiff of this request. Plaintiff does not oppose the motion.

In light of the foregoing, Argent respectfully requests that the Court grant it leave to exceed the 15-page limitation at Civil L.R. 7(f) to file a brief not to exceed 20 pages.

(remainder of page left intentionally blank)

Dated: June 19, 2019

By: /s/ William P. McKinley

William P. McKinley SBN # 1072959
MENN LAW FIRM, LTD.
2501 E. Enterprise Ave.
Appleton, Wisconsin 54912
Email: William-Mckinley@mennlaw.com
Tel: (920) 731-6631
Fax (920) 560 4757

-and-

By: /s/ Jacob D. Rhode

Michael L. Scheier
Brian P. Muething
Jacob D. Rhode
KEATING MUETHING & KLEKAMP PLL
One East Fourth Street, Suite No. 1400
Cincinnati, Ohio 45202
Email: mscheier@kmklaw.com
bmuething@kmklaw.com
jrhode@kmklaw.com
Tel: (513) 579-6400
Fax: (513) 579-6457

Counsel for Argent Trust Company

CERTIFICATE OF SERVICE

I certify that on June 19, 2019, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Jacob D. Rhode

Jacob D. Rhode

9261822.1.DOCX